

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

FILED

2007 DEC 18 PM 2:15

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

ANTHONY ARCEO, PETITIONER,
VS
WARDEN: AYERS, et al,
RESPONDENT,
_____ /

07CV 2131 w (Bm)

NOTICE OF MOTION AND MOTION TO PROCEED WITHOUT PAYMENT OF COST

ANTHONY ARCEO, J-17830
pre se litigant

ANTHONY ARCEO, J-17830
RJ DONOVAN CORR FACILITY
PO BOX 799003, F3B15-134
SAN DIEGO, CA. 92179

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

Anthony Arceo,

petitioner

/

/

VS

/

case no _____

/

Warden: Ayers, et al,

/

CV 02131 W BLM

/

NOTICE OF MOTION AND MOTION

/

TO PROCEED WITHOUT PREPAYMENT

respondent,

/

OF FEES. PURSUANT TO 28 USC

/

§ 1915(a)(2).

TO THE HONORABLE DISTRICT COURT JURIST.

Please take notice that on _____, at _____, or as soon thereafter as the matter can be heard, in _____ of the above-entitled court, located at 280 front street, petitioner will move the court to proceed without prepayment of fees pursuant to 28 USC § 1915(a)(2). This motion will be based on his inability to pay.

The motion will be based on this notice of motion, on the attached memorandum of points and authorities, on declaration of petitioner, and all papers, pleadings, and records on file in this action.

Dated *December 16, 2007*

Anthony Arceo
Anthony Arceo J-
pro se litigant

ANTHONY ARCEO J-17830
PRO SE LITIGANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

Anthony Arceo,
petitioner,

VS

Warden: Ayers, et al,
respondent,

/

case no _____

CV 02131 W BLM
DECLARATION, AND MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT TO PROCEED WITHOUT
PREPAYMENT OF FEES. PURSUANT
TO 28 USC § 1915(A)(2).

I, Anthony Arceo, declare:

1. I am the petitioner in the above entitled action.
2. That in support of my motion to proceed without being required to prepay fees, cost, or give securities.
3. I state that because of my poverty I am unable to pay cost of this action.
4. I believe that I am entitled to relief.
5. I am not presently employed, nor do I get any salary.
6. I am in school.
7. I have not received within the last twelve months, any money from any of the following sources; Business, profession from self

employment. Nor do I receive rent payments, interest or dividends.
Nor pensions, annuities, or dividend . Nor inheritances.

8. I have received money gifts from family. yet this is random.

9. I do not own stocks, bonds, notes, automobiles, or valuable property.

10. I have a adult daughter and fiancée.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 480 Alta road, San Diego, California 92179.

Dated *December 16, 2007*

Anthony Arceo

Anthony Arceo J-17830

AUTHORITIES

The in forma pauperis statute provides, any court of the United States may authorize the commencement, prosecution, or defense of any suit action or proceeding, civil or crimina , or appeal therein, without prepayment of fees and costs by affiant that is unable to pay such cost. 28 USC § 1915(a)(2), MURPHY V JONES 801 F SUPP 283, 288(ED Mo 1992), In re RICHARDS 914 F2d 1526-27(6th cir 1990).

I declare under the penalty of perjury, that the foregoing is true and correct.

Signed this *December 16* 2007.

Anthony Arceo

Anthony Arceo J-17830

INMATE REQUEST FOR CERTIFIED STATEMENT OF TRUST ACCOUNT

I, ANTHONY ARCEO, J17830, F3B15-134
Name: CDC #: Housing Unit
 am seeking to bring a civil action or appeal a judgment in
 without prepayment of fees
 Title of the Court: (i.e. U. S. District Court)
 (In Forma Pauperis) pursuant to 28 U.S.C. 1915(a)(2).

Enter the caption for the legal action:

ARCEO ANTHONY v. WARDEN: AYERS, et al
 Plaintiff: Defendant:

Address of the Court: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
CV-02131 W-BLM

In order to proceed, a certified copy of my Trust Fund Account must be submitted to the court of jurisdiction. I understand that CDC regulations and the court require that the certified copy be submitted directly to the Court from the Institution's Accounting office. I request a statment be sent to the court.

Anthony Arceo
 Inmate Signature:

This form must be submitted to the Central Librarian who will log the request in and forward the form to the Accounting office at the institution for processing.

The Inmate Request For Certified Statement Of Trust Account was received in the Central Library on, 11-28-07,
 Date:

by [Signature]
 Name of Librarian who logged request

A Certified Statement Of Trust Account for a six month period from 5-01-2007 through 12-10-2007 for the above
 Date: Date:
 identified inmate was processed through the Accounting Office at the Richard J. Donovan Correctional Facility on, 12-10-2007, by C. Rodriguez
 Date: Name of person processing

I, C. Rodriguez declare that on, 12-10-07, I
 Name of person processing Date:
 deposited the Certified Statement of Trust Account in the United States Postal Service addressed as follows.

Signed: C. Rodriguez
 Signature of employee mailing statement

If you are a prisoner you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant Anthony Anceo Anceo
(NAME OF INMATE)
317830
(INMATE'S CDC NUMBER)

has the sum of \$.76 on account to his/her credit at
Richard S. Donovan Correctional Facility
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities N/A
to his/her credit according to the records of the aforementioned institution. I further certify that during
the past six months the applicant's *average monthly balance* was \$ 78.33
and the *average monthly deposits* to the applicant's account was \$ 78.33

ALL PRISONERS **MUST** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT
STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD
IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

12-10-2007
DATE

C. Rodriguez
SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

C. Rodriguez
OFFICER'S FULL NAME (PRINTED)

Account Clerk #
OFFICER'S TITLE/RANK

REPORT ID: TS3030 .701

REPORT DATE: 12/10/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
R.J.DONOVAN CORR. FACILITY
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: MAY 01, 2007 THRU DEC. 10, 2007

ACCOUNT NUMBER : J17830 BED/CELL NUMBER: F31500000000134L
ACCOUNT NAME : ARCEO, ANTHONY ANCEO ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
05/01/2007		BEGINNING BALANCE					84.23
05/08	FC03	DRAW-FAC 3	4681/F31ST			84.00	0.23
05/15	D300	CASH DEPOSIT	4800/POBOX		10.00		10.23
05/18	W515	COPY CHARGE	4887/MAY07			3.50	6.73
05/18	W515	COPY CHARGE	4887/APR07			2.10	4.63
06/04	D340	EFT DEPOSIT	5175/JPAY		80.00		84.63
06/05	D300	CASH DEPOSIT	5206/POBOX		20.00		104.63
06/06	FC03	DRAW-FAC 3	5229/F31ST			100.00	4.63
06/07	D340	EFT DEPOSIT	5253/JPAY		100.00		104.63
06/20	W501	SHIPPING CHAR	5493/UPS			5.54	99.09
07/09	W425	DONATION-A A	0079SALEF3			35.40	63.69
07/10	FR01	CANTEEN RETUR	700110			24.15	87.84
07/10	FC03	DRAW-FAC 3	0113/F31ST			20.00	67.84
08/07	FC03	DRAW-FAC 3	0633/F31ST			25.00	42.84
08/20	D340	EFT DEPOSIT	0895/JPAY		30.00		72.84
08/28	D340	EFT DEPOSIT	1050/JPAY		100.00		172.84
09/04	W516	LEGAL COPY CH	1136/AUG07			18.85	153.99
09/05	W512	LEGAL POSTAGE	1176/AUG07			1.48	152.51
09/07	FC03	DRAW-FAC 3	1243/F31ST			152.00	0.51
09/21	D340	EFT DEPOSIT	1551/JPAY		100.00		100.51
09/28	W516	LEGAL COPY CH	1685/SEP07			15.80	84.71
10/09	FC03	DRAW-FAC 3	1854/F31ST			84.00	0.71
10/24	D300	CASH DEPOSIT	2123/POBOX		30.00		30.71
10/29	W516	LEGAL COPY CH	2185/OCT07			23.40	7.31
11/09	W502	POSTAGE CHARG	2456/NOV07			6.55	0.76

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
84.23	470.00	553.47	0.76	0.00	0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.

ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY

TRUST OFFICE

CURRENT
AVAILABLE
BALANCE

0.76

PROOF OF SERVICE BY MAIL

I, Anthony Arco, am a resident of the Richard J. Donovan Correctional Facility, in the County of San Diego, State of California. I am over the age of eighteen (18) years and am ~~am~~ a party to the above-entitled cause of action, which is a:

notice of motion and motion to
proceed without prepayment fees.

My state prison address is 480 Alta Rd., San Diego, California, 92179.

On December 16, 2007, I served the foregoing on the parties named herein below by placing a true copy thereof, enclosed in a sealed envelope, with the postage thereon fully paid, in the United States Mail in a Deposit box so provided at the prison facility, addressed as follows:

Southern District of California
880 Front Street, Room 4290
San Diego, Ca. 92101-8900

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed this 16 day of December, 2007,
at San Diego, California.

Anthony Arco J17830